

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

United States Magistrate Court
JAK-SDTX
FILED

OCT 11 2023 2A

Nathan Ochsner, Clerk
Laredo Division

UNITED STATES OF AMERICA

v.

SADIR ARVIZU VELAZQUEZ

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CRIMINAL NO. 5:22-cr-1509-S-3

FACTUAL STATEMENT IN SUPPORT OF PLEA AGREEMENT

The United States of America, by and through ALAMDAR S. HAMDANI, United States Attorney for the Southern District of Texas and Jose Homero Ramirez, Assistant United States Attorney, and the defendant, **SADIR ARVIZU VELAZQUEZ**, and the defendant's counsel, hereby stipulate as follows:

I.

If this case proceeded to trial, the United States of America would prove each element of the offense beyond a reasonable doubt. The following facts, among others, would be offered to establish the defendant's guilt:

II.

On November 5, 2022, Defendant Sadir Arvizu Velazquez (Velazquez), and his son, Defendant Sadir Arvizu Barcenas (Barcenas), citizens or nationals of Mexico and possessed valid United States B1/B2 Non-Immigrant Visas, took a commercial air flight from Mexico City, Mexico, to Austin, Texas, where they spent the night. The next day, on November 6, 2022, Valenzuela and Barcenas travelled to Dallas, Texas and rented an SUV. Their motivation for traveling to Dallas from Mexico City was to acquire at least 20 pistols, transport them to Laredo, Texas, and attempt to successfully smuggle the firearms through Nuevo Laredo, Tamaulipas, Mexico, using a Chevrolet Spark purchased by Velazquez in Mexico because it had been modified to contain a concealed aftermarket compartment. At all times relevant to the actions of

Defendants, before and during November 5, 2022, through November 9, 2022, Velazquez and Barcenas knew that they were prohibited by U.S. Federal law from possessing, purchasing or acquiring firearms or ammunition or attempting or conspiring to do so. Additionally, Velazquez and Barcenas knew that they did not possess, nor had they applied for a valid export license to legally export any firearms to Mexico. As a result, Velazquez and Barcenas would need to covertly smuggle any firearms acquired by them or for them while in Texas.

Due to their inability to legally acquire firearms from law-abiding persons or Federal Firearm Licensees (FFLs), Velazquez and Barcenas sought out a person in Dallas who was qualified to possess, purchase and acquire firearms, and disposed to straw-purchase pistols for them. Velazquez and Barcenas encountered Defendant James Mwangangi Kiilu (Kiilu), in Dallas, Texas. Kiilu, a United States citizen living in Dallas, who was not otherwise prohibited from *legally* possessing, purchasing, and acquiring firearms, agreed to buy firearms selected by Velazquez and Barcenas with cash funds provided by them. Prior to making the straw-purchases, Kiilu knew that Velazquez and Barcenas intended to attempt to illegally smuggle all straw-purchased firearms to Mexico. Velazquez and Barcenas agreed to pay Kiilu approximately \$150 USD for each firearm that Kiilu straw-purchased for Velazquez and Barcenas.

On November 6, 2022, Kiilu straw-purchased 14 pistols from Range USA, Spartan Firearm Sales, Frank's Guns and Gear, LLC, Ellis County Firearms, Inc., and Carter's Cast Bullets, all FFLs operating at a gun show in or near the Dallas area. Kiilu certified falsely on each Federal ATF Form 4473, the federal form required to be completed and certified by firearm purchasers before a FFL may legally transfer a firearm to the certifying buyer, that Kiilu was the "actual transferee/buyer." Defendants loaded the pistols into the rented SUV.

On November 8, 2022, Kiilu drove the SUV, carrying the pistols and Defendants to

Laredo. Along the way, Defendants stopped in San Antonio where Kiilu straw-purchased three pistols from Adelbridge & Co Firearms, an FFL. Velazquez and Barcenas selected the pistols, provided Kiilu the cash funds for the pistols, while Kiilu again certified falsely that he was the “actual transferee/buyer” on the ATF Forms 4473. Kiilu loaded the pistols into the rented SUV. Kiilu drove the SUV with the Velezauez, Barcenas and the 17 pistols towards Laredo. Velazquez rented rooms for the Defendants for the night.

The next morning, on November 9, 2022, Kiilu transported Velazquez and Barcenas to a near an International Bridge where Velazquez and Barcenas walked to Nuevo Laredo, Tamaulipas, Mexico to pick up and drive back to Laredo in a specially modified Chevrolet Spark car that had been modified to include an aftermarket compartment under the passenger compartment for concealment of the pistols to be smuggled to Mexico. Kiilu knew Velazquez’s and Barcenas’s intentions. Defendants agreed to meet back at the motel rooms after running their respective errands.

While Velazquez and Barcenas walked across the international bridge to Nuevo Laredo, Kiilu traveled to Academy Sports and Outdoors Store #73 (Academy), an FFL, where Kiilu straw-purchased four pistols with cash provided by Velazquez and Barcenas. Kiilu again certified falsely that he was the “actual transferee/buyer” on the required ATF Forms 4473 and returned to the SUV.

By then, special agents (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) saw Kiilu leave the Academy after straw-purchasing four pistols and followed Kiilu to the motel. Carrying the pistols in their original purchase boxes, Kiilu met with Velazquez and Barcenas in a motel room. Shortly thereafter, Velazquez left the room and threw four empty pistol boxes into motel trash bin and returned to the room. Velazquez carried several pieces of

luggage from the room to a small car with Mexican plates. Barcenas carried a plastic bag which was later found to contain plastic bags from several gun stores, safety glasses, and empty boxes into a trash bin and returned to the room. Kiilu, Velazquez and Barcenas exited the room, spoke in the parking lot, then departed – Kiilu in the rented SUV, Velazquez and Barcenas in their car. Kiilu went north while Velazquez and Barcenas headed south towards an international bridge to Mexico.

Laredo Police Department (LPD) Officers stopped Kiilu, Velazquez and Barcenas in their respective vehicles, and found all 21 straw-purchased pistols in Velazquez's and Barcenas's car's hidden compartment.

All three Defendants provided audio and video recorded statements admitting to the above-recited facts. Defendants also admitted not having applied for or being in possession of a valid export license to export the 21 firearms to Mexico, before the straw-purchases were made or by the time of their arrests.

Defendants admit their respective roles in receiving, concealing, buying, selling, or facilitating the transportation, concealment or sale of the firearms in the table below, prior to exportation, knowing that the firearms were intended for exportation contrary to federal laws and regulations, to wit: Title 50, United States Code, Section 4819(a)(2) and (b), and Title 15, Code of Federal Regulations, Section 730, et seq.

Table of Purchases

<u>#</u>	<u>Manufacturer</u>	<u>Model</u>	<u>Type</u>	<u>Caliber</u>	<u>Serial Number</u>	<u>Date of Straw Purchase</u>	<u>FFL</u>
1.	Taurus	G3	Pistol	9-millimeter	ADG458241	11/8/22	Adelbridge & Co Firearms, San Antonio, Texas
2.	Taurus	G3	Pistol	9-millimeter	ACH192816	11/6/22	Carter's Cast Bullets, Fort Worth, Texas

3.	Taurus	G3	Pistol	9-millimeter	ADH624018	11/9/22	Academy Sports and Outdoors #73, Laredo, Texas
4.	Taurus	G3	Pistol	9-millimeter	ADG465174	11/9/22	Academy Sports and Outdoors #73, Laredo, Texas
5.	Taurus	G3	Pistol	9-millimeter	ADA837081	11/6/22	Spartan Firearms Sales, Springtown, Texas
6.	Taurus	G2C	Pistol	9-millimeter	ACM696063	11/6/22	Ellis County Firearms, Inc., Waxahachie, Texas
7.	Taurus	G2C	Pistol	9-millimeter	ADD190251	11/8/22	Range USA, North Richland Hills, Texas
8.	Taurus	G2C	Pistol	9-millimeter	ABY908857	11/8/22	Adelbridge & Co Firearms, San Antonio, Texas
9.	Taurus	G2C	Pistol	9-millimeter	ADD207715	11/8/22	Range USA, North Richland Hills, Texas
10.	Ruger	LCP	Pistol	.380 caliber	379094299	11/6/22	Frank's Guns and Gear, Dallas, Texas
11.	Ruger	LCP	Pistol	.380 caliber	379091965	11/6/22	Frank's Guns and Gear, Dallas, Texas
12.	Ruger	EC9s	Pistol	9-millimeter	46210924	11/6/22	Frank's Guns and Gear, Dallas, Texas
13.	Ruger	EC9s	Pistol	9-millimeter	46228654	11/6/22	Frank's Guns and Gear, Dallas, Texas
14.	SCCY	CPX-2	Pistol	9-millimeter	C184369	11/6/22	Carter's Cast Bullets, Fort Worth, Texas
15.	SCCY	CPX-2	Pistol	9-millimeter	C267382	11/6/22	Spartan Firearms Sales, Springtown, Texas
16.	SCCY	CPX-2	Pistol	9-millimeter	C439755	11/9/23	Academy Sports and Outdoors #73, Laredo, Texas
17.	SCCY	CPX-2	Pistol	9-millimeter	C443746	11/9/23	Academy Sports and Outdoors #73, Laredo, Texas
18.	SCCY	CPX-1	Pistol	9-millimeter	C199179	11/6/22	Ellis County Firearms, Inc.,

							Waxahachie, Texas
19.	Smith & Wesson	SD9VE	Pistol	9-millimeter	FDM9151	11/8/22	Range USA, North Richland Hills, Texas
20.	Smith & Wesson	SD9VE	Pistol	9-millimeter	FDT2741	11/8/22	Range USA, North Richland Hills, Texas
21.	Mossberg	MC2c	Pistol	9-millimeter	000331MC	11/8/22	Adelbridge & Co Firearms, San Antonio, Texas

III.

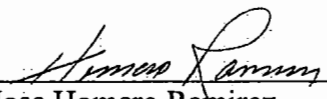
Defendant **SADIR ARVIZU VELAZQUEZ** hereby confesses and judicially admits that on from on or about **November 6, 2022, through on or about November 9, 2022**, he knowingly received, concealed, bought, sold, or in any manner facilitated the transportation, concealment, or sale of such merchandise, article or object, to wit: 21 firearms, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States in violation of **Title 18 United States Code, Section 554(a) and (2)**.

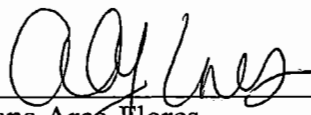

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SADIR ARVIZU VELAZQUEZ,
 Defendant

APPROVED:

ALAMDAR S. HAMDANI
 UNITED STATES ATTORNEY

By:


 Jose Homero Ramirez
 Assistant United States Attorney
 Southern District of Texas


 Adriana Arce-Flores
 Attorney for Defendant